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Paul Hastings

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client name: TY-LIFT ENTERPRISES	client matter number: 38602.00003.CON1
date: July 14, 2005	pages (with cover): 4

to:	company/office:	facsimile:	telephone:
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In re Application of:

THERESA M. MIALE, et al.

Serial No.: 10/635,670

Filed: August 5, 2003


For: ANIMAL LIFE AND TRANSPORT
APPARATUS AND METHOD FOR
USING SAME

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)
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) Group Art Unit: 3644
)
) Examiner: Elizabeth Anne Shaw
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Attached hereto please find a Response to the Office Action (Restriction Requirement) mailed June 14, 2005.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted (703-872-9306) to the United States Patent and Trademark Office on July 14, 2005.


Janice Crisp

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JUL 14 2005

PATENT

Attorney Docket No. 38602.00003.CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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THERESA M. MIALE, et al.)	
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Serial No.: 10/635,670)	Group Art Unit: 3644
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For: ANIMAL LIFE AND TRANSPORT)	
APPARATUS AND METHOD FOR)	
USING SAME)	
)	
)	

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This communication is responsive to the Office Action mailed June 14, 2005. That Action indicated that the time for response was one month from that date. Applicants therefore believe that this response is timely filed.

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JANICE CRISP

Typed or printed name of person signing Certificate

Janice Crisp
Signature

PATENT

Attorney Docket No. 38602.00003.CON1

The Examiner has required restriction to one of the following groups of claims under 35 U.S.C. § 121:

- Group I: Claims 21-31, drawn to a method of transporting an animal, classified in class 119, subclass 712.
- Group II: Claims 32-35, allegedly drawn to an animal transport unit, classified in class 119, subclass 712.

In response to the present Restriction Requirement, Applicants provisionally elect Group II, drawn to an animal transport unit, with traverse.

The Examiner has not met the required burden for demonstrating the necessity for restriction and election of species. Restriction is proper when (1) the inventions are independent or distinct as claimed; and (2) there would exist a "serious burden" on the Examiner if all of the claims were examined together. See M.P.E.P. § 803. The Examiner has not demonstrated that examination of all claims of the pending application as filed would create a "serious burden." Furthermore, the Examiner has mischaracterized the claims of Group II as being drawn to an animal transport unit. The Examiner will note that claims 34 and 35 are method claims. Accordingly, Applicants request reconsideration and withdrawal of the present Restriction Requirement.

Applicants respectfully submit that the application is in condition for allowance and a timely notice to that effect is requested. If it is believed that prosecution may be furthered thereby, the Examiner is invited to contact Applicant's undersigned representative to discuss the same.

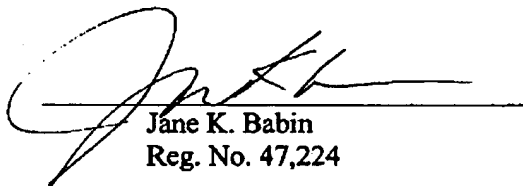
PATENT
Attorney Docket No. 38602.00003.CON1

Applicants respectfully submit that the application is in condition for allowance and a timely notice to that effect is requested. No fees are believed due in connection with this submission; however, if any fees are due please charge the appropriate amount to Deposit Account No. 50-2613.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: July 14, 2005



Jane K. Babin
Reg. No. 47,224

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